

AMENDMENTS

2001—Subsec. (b). Pub. L. 107-107 substituted “Air Mobility Command” for “Military Airlift Command”.

EFFECTIVE DATE

Section 615(b) of Pub. L. 99-661 provided that: “Section 431 [now 432] of title 37, United States Code, as added by subsection (a), shall apply with respect to travel performed after September 30, 1986.”

§ 433. Allowance for muster duty

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed pursuant to section 12319 of title 10 if the member is engaged in that duty for at least two hours.

(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 404(d)(2)(A) of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

(c) The allowance authorized by this section may not be disbursed in kind. The allowance may be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date. The allowance shall constitute the single, flat-rate monetary allowance authorized for the performance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period.

(Added Pub. L. 101-189, div. A, title V, § 502(b)(1), Nov. 29, 1989, 103 Stat. 1436; amended Pub. L. 101-510, div. A, title XIV, § 1484(h)(5), Nov. 5, 1990, 104 Stat. 1718; Pub. L. 104-106, div. A, title XV, § 1501(d)(4)(B), Feb. 10, 1996, 110 Stat. 501; Pub. L. 105-85, div. A, title VI, § 627, Nov. 18, 1997, 111 Stat. 1795.)

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1997—Subsec. (c). Pub. L. 105-85 struck out “and shall be paid to the member on or before the date on which the muster duty is performed” after “disbursed in kind” in first sentence and inserted “The allowance may be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.” after first sentence.

1996—Subsec. (a). Pub. L. 104-106 substituted “section 12319 of title 10” for “section 687 of title 10”.

1990—Subsec. (a). Pub. L. 101-510 substituted “section 687 of title 10” for “section 691 of title 10”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see

section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 1484(h)(5) of Pub. L. 101-510 provided that the amendment made by that section is effective as of Nov. 29, 1989.

§ 434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams

(a) REIMBURSEMENT OF REASONABLE SUBSISTENCE COSTS.—Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces may be reimbursed for the reasonable cost of subsistence incurred by the member while performing duties as an escort of an arms control inspection team of a foreign country, or any member of such a team, while the team or the team member, as the case may be, is engaged in activities related to the implementation of an arms control treaty or agreement.

(b) PERIOD OF AUTHORITY.—The authority under subsection (a) applies to the period during which the inspection team, pursuant to authority specifically provided in the applicable arms control treaty or agreement, is in the country where inspections and related activities are being conducted by the team pursuant to that treaty or agreement.

(c) EFFECT OF LOCATION OF MEMBER'S PERMANENT DUTY STATION.—The authority under subsection (a) applies to a member of the armed forces whether the duties referred to in that subsection are performed at, near, or away from the member's permanent duty station.

(Added Pub. L. 102-484, div. A, title VI, § 623(a)(1), Oct. 23, 1992, 106 Stat. 2422.)

EFFECTIVE DATE

Section 623(b) of Pub. L. 102-484 provided that: “Section 434 of title 37, United States Code, as added by subsection (a), shall apply with respect to escort duty described in that section which is performed on or after the date of the enactment of this Act [Oct. 23, 1992].”

§ 435. Funeral honors duty: allowance

(a) ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for any day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

(2) The Secretary concerned may also authorize payment of that allowance to a member of the armed forces in a retired status for any day on which the member serves in a funeral honors detail under section 1491 of title 10, if the time required for service in such detail (including time for preparation) is not less than two hours. The amount of an allowance paid to a member under this paragraph shall be in addition to any other compensation to which the member may be entitled under this title or title 10 or 38.

(b) AMOUNT.—The daily rate of an allowance under this section is \$50.

(Added Pub. L. 106-65, div. A, title V, § 578(j), Oct. 5, 1999, 113 Stat. 630; amended Pub. L.

106-398, §1 [[div. A], title V, §575(b), title X, §1087(c)(1)(A)(i)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, 1654A-292; Pub. L. 107-107, div. A, title V, §561(b), Dec. 28, 2001, 115 Stat. 1119.)

CODIFICATION

Another section 435 was renumbered section 436 of this title.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107 designated existing provisions as par. (1) and added par. (2).

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)(A)(i)], made technical amendment to directory language of Pub. L. 106-65, §578(j), which enacted this section.

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title V, §575(b)], struck out heading and text of subsec. (c). Text read as follows: “Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.”

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title V, §575(b)] of Pub. L. 106-398, applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, provided that the amendment made by that section is effective as of Oct. 5, 1999, and as if included in the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106-65, as enacted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 1491, 12503; title 32 section 115.

§ 436. Per diem allowance for lengthy or numerous deployments

(a) PER DIEM REQUIRED.—The Secretary of the military department concerned shall pay a high-deployment per diem allowance to a member of the armed forces under the Secretary’s jurisdiction for each day on which the member (1) is deployed, and (2) has, as of that day, been deployed 401 or more days out of the preceding 730 days. The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.

(b) DEFINITION OF DEPLOYED.—In this section, the term “deployed”, with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10 (including any definition of “deployment” prescribed under paragraph (4) of that section).

(c) AMOUNT OF PER DIEM.—The amount of the high-deployment per diem payable to a member under this section is \$100.

(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the high-deployment per diem allowance that is not fully substantiated by the recordkeeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with

other evidence determined by the Secretary as being sufficient to substantiate the claim.

(e) RELATIONSHIP TO OTHER ALLOWANCES.—A high-deployment per diem payable to a member under this section is in addition to any other pay or allowance payable to the member under any other provision of law.

(f) NATIONAL SECURITY WAIVER.—No per diem may be paid under this section to a member for any day on which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of that section.

(Added Pub. L. 106-65, div. A, title V, §586(b), Oct. 5, 1999, 113 Stat. 638, §435; renumbered §436 and amended, Pub. L. 106-398, §1 [[div. A], title V, §574(c), title X, §1087(b)(4)], Oct. 30, 2000, 114 Stat. 1654, 1654A-137, 1654A-292; Pub. L. 107-107, div. A, title V, §592(a), Dec. 28, 2001, 115 Stat. 1125.)

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2001—Subsec. (a). Pub. L. 107-107 inserted at end “The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.”

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(b)(4)], renumbered section 435 of this title as this section.

Subsec. (a). Pub. L. 106-398, §1 [[div. A], title V, §574(c)(1)], substituted “401 or more days out of the preceding 730 days” for “251 days or more out of the preceding 365 days”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title V, §574(c)(2)], substituted “prescribed under paragraph (4)” for “prescribed under paragraph (3)”.

EFFECTIVE DATE

Pub. L. 106-65, div. A, title V, §586(d)(2), Oct. 5, 1999, 113 Stat. 639, provided that: “Section 435 [now 436] of title 37, United States Code (as added by subsection (b)) [this section], shall take effect on October 1, 2001.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12503 of this title.

CHAPTER 9—LEAVE

Sec.

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| 501. | Payments for unused accrued leave. |
| 502. | Absences due to sickness, wounds, and certain other causes. |
| 503. | Absence without leave or over leave. |
| 504. | Cadets and midshipmen: chapter does not apply to. |

AMENDMENTS

1990—Pub. L. 101-510, div. A, title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

§ 501. Payments for unused accrued leave

(a) In this section, the term “discharge” means—

(1) in the case of an enlisted member, separation or release from active duty under honorable conditions, termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated), or appointment as an officer;

(2) in the case of an officer, separation or release from active duty under honorable conditions; and